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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

INNOVATION LAW LAB, *et al.*,

Plaintiffs,

v.

ALEJANDRO MAYORKAS, *et al.*,

Defendants.

CASE NO.: 3:19-CV-00807-RS

**PARTIES' JOINT STATUS REPORT AND
REQUEST TO CONTINUE HOLDING
ORDER TO SHOW CAUSE IN
ABEYANCE**

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1 Plaintiffs Innovation Law Lab, *et al.*, and Defendants Alejandro Mayorkas, *et al.*, submit this
2 status report, and respectfully request that the Court continue to temporarily hold in abeyance the
3 Order to Show Cause issued by this Court on August 6, 2021. *See* ECF #131. Doing so will give the
4 parties time to continue to meet and confer regarding outstanding issues presented by the case.

5 The Order to Show Cause directed Plaintiffs to respond, by August 16, 2021, as to why the
6 instant case should not be dismissed as moot. The Court previously granted the parties' joint motion
7 to temporarily hold that deadline in abeyance to allow the parties to explore the possibility of
8 resolving this case without further litigation, and instructed the parties to submit a joint statement by
9 August 30, 2021. *See* ECF #132 (motion); ECF #133 (Order). As explained in that motion, Plaintiffs
10 communicated to Defendants that they believe seven of the individual plaintiffs in this lawsuit
11 remain impacted by the Migrant Protection Protocols ("MPP"). ECF #132 at 2. Two are in ongoing
12 removal proceedings in this country, seeking review before the Board of Immigration Appeals of
13 removal orders they received after being placed in MPP; three are presently outside the country
14 pursuant to removal orders they received after being placed in MPP; and two are outside the country
15 after having withdrawn their applications for admission while under MPP. *Id.* at 2-3.

16 Since that motion was filed, a federal district court in the Northern District of Texas held on
17 August 13, 2021, that Secretary Mayorkas' June 1, 2021 rescission of MPP was illegal, vacated the
18 rescission, and issued a nationwide injunction. *See Texas v. Biden*, No. 2:21-cv-0067, 2021 WL
19 3603341 (N.D. Tex. Aug 13, 2021), *stay denied*, *Texas v. Biden*, No. 21-10806 (5th Cir. Aug. 19,
20 2021), *stay denied*, *Biden v. Texas*, No. 21-A-21 (S.Ct. Aug. 24, 2021). Pursuant to the injunction,
21 the Department of Homeland Security must "enforce and implement MPP *in good faith*." *See* Fifth
22 Circuit Order, No. 21-10806 (August 19, 2021) (internal quotation marks and citations removed,
23 emphasis in original).

24 The parties currently continue to meet and confer. An order holding the Order to Show Cause
25 in abeyance is therefore warranted.
26
27
28

Accordingly, the parties request that the Court continue the temporary abeyance of the briefing deadline for the order to show cause. The parties propose to submit another joint statement two weeks from today, on September 13, 2021.

Dated: August 30, 2021

Respectfully submitted,

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Acting Assistant Attorney General

/s/ Judy Rabinovitz

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CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2021, I electronically filed the foregoing with the Clerk of Court by using the District Court CM/ECF system. A true and correct copy of this motion has been served via the Court's CM/ECF system on all counsel of record.

/s/ Judy Rabinovitz
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